

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

Wanda Wiley,  
Plaintiff,

v.

JO ANNE B. BARNHART,  
COMMISSIONER OF THE SOCIAL  
SECURITY ADMINISTRATION,  
Defendant.

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C.A. NO. C-05-263

**MEMORANDUM OPINION AND ORDER GRANTING PLAINTIFF'S  
MOTION FOR SUMMARY JUDGMENT**

On March 2, 2006, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 17). After ample opportunity, no objections have been filed by either party. This Court regards such omission as each party's agreement with and acceptance of the Magistrate Judge's findings of fact and conclusions of law. Having reviewed the pleadings on file, the Court finds no clear error in the Magistrate Judge's memorandum and recommendation. *Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). This Court adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, plaintiff's brief in support of her complaint (D.E. 13), treated as a motion for summary judgment, is GRANTED. Defendant's motion for summary judgment (D.E. 14) is DENIED. Commissioner's determination that plaintiff is disabled is vacated. Plaintiff's case is remanded pursuant to the fourth sentence of 42 U.S.C. §

405(g) so that the Commissioner can properly assess the evidence from plaintiff's treating ophthalmologist and plaintiff's ability to return to her past relevant work.

ORDERED this       9       day of       May      , 2006.

Hayden Head  
HAYDEN HEAD  
CHIEF JUDGE